

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

Richard Allen Holloway,	)	C/A No. 3:11-2581-CMC-PJG
	)	
Plaintiff,	)	
	)	
v.	)	
	)	<b>REPORT AND RECOMMENDATION</b>
Sheriff Leon Lott; Sgt. Randy Strange; and	)	
Seth Rose,	)	
	)	
Defendants.	)	
_____	)	

The plaintiff, Richard Allen Holloway (“Holloway”), who is self-represented, filed this action alleging a violation of his constitutional rights by the named defendants. This matter is before the court pursuant to 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) DSC for a Report and Recommendation on the defendants’ motion for summary judgment. (ECF No. 74.) Pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), the court advised Holloway of the summary judgment and dismissal procedures and the possible consequences if he failed to respond adequately to the defendants’ motion. (ECF No. 75.) Holloway filed a response in opposition to the defendants’ motion (ECF No. 84) and later filed a motion for judgment on the pleadings (ECF No. 94).

The Honorable Cameron McGowan Currie, United States District Judge, previously adopted this court’s recommendation that Holloway’s claims be dismissed against Defendant Lloyd because this action was filed outside the applicable statutes of limitations. (See Order, ECF No. 44) (adopting Report and Recommendation, ECF No. 38); (see also Order Denying Motion for Reconsideration, ECF No. 85). The remaining defendants have now filed a motion for summary

judgment on the ground, among others, that Holloway's claims are time barred. Having reviewed the parties' submissions and the applicable law, the court finds that for the reasons discussed in the court's Report and Recommendation issued February 13, 2012 (ECF No. 38), the defendants' motion (ECF No. 74) should be granted because this action was filed beyond the applicable statutes of limitations. Further, the court recommends that Holloway's motion for judgment on the pleadings (ECF No.) be denied.



---

Paige J. Gossett  
UNITED STATES MAGISTRATE JUDGE

December 27, 2012  
Columbia, South Carolina

*The parties' attention is directed to the important notice on the next page.*

### **Notice of Right to File Objections to Report and Recommendation**

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); see Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Larry W. Propes, Clerk  
United States District Court  
901 Richland Street  
Columbia, South Carolina 29201

**Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation.** 28 U.S.C. § 636(b)(1); Thomas v. Arn, 474 U.S. 140 (1985); Wright v. Collins, 766 F.2d 841 (4th Cir. 1985); United States v. Schronce, 727 F.2d 91 (4th Cir. 1984).